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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/401,730 09/23/99 FEI

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EXAMINER

MM91/0521

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LULU, T	
ART UNIT	PAPER NUMBER

2878

DATE MAILED:

05/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/401,730

Applicant(s)

FEI ET AL.

Examiner

Thanh X Luu

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: .

## DETAILED ACTION

### *Claim Objections*

1. Claims 8 and 9 are objected to because of the following informalities:

In claim 8, line 5, the phrases "and of housing elastic means" and "the said slide" are malformed;

In claim 9, last line, "the optical fibre" lacks proper antecedent basis; Examiner recommends using consistent language.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami (U.S. Patent 5,032,718).

Regarding claim 1, Murakami discloses (see Figure 1) a device for securing at least one optical fibre (5) to an optical apparatus, the optical apparatus comprising at least one photo-element (P) mounted on a supporting element (2, 3) and the fibre connectable to the photo-element by means of the securing device (1), wherein at least part of the securing device (1) is made from a transparent material (see column 2, lines

32-35) which makes a region of the coupling between the fibre and the photo-element visible.

Regarding claim 2, Murakami discloses (see Figure 1 and column 2, line 28) the device comprises a cover (2) made from a transparent material.

Regarding claim 3, Murakami discloses (see Figure 1 and column 2, line 28) the supporting element (2) is made from a transparent material.

Regarding claim 4, Murakami discloses (see column 2, lines 32-35) the transparent material is glass.

Regarding claim 18, Murakami discloses (see Figure 6) a device for securing at least one optical fibre to an optical apparatus, the apparatus comprising at least one photo-element (P, not shown) mounted on a transparent supporting element (11) and the fibre connectable to the photo-element by means of a securing device (15), the securing device comprises a cover (16) made of a transparent material making a region of the coupling between the fibre and the photo-element visible.

4. Claims 5, 8-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Welber et al. (U.S. Patent 4,605,280).

Regarding claim 5, Welber et al. disclose (see Figures) a device for securing at least one optical fibre to an optical apparatus, the apparatus comprising at least one photo-element (10), the optical fibre connectable to the photo-element and at least one supporting element (28) provided with at least one guide hole (38) for the optical fibre wherein the device comprises a slide (40, 58) provided with at least one slot (46, 62, 64), the slide moveable between a first and second predetermined position, the slot in

Art Unit: 2878

the first position of the slide being coaxial with the hole of the supporting element and freely housing the optical fibre, and the slot in the second position of the slide being out of alignment with the hole (see Figure 3) and exerting on the optical fibre a force which keeps the optical fibre secured in the hole.

Regarding claim 8, Welber et al. disclose (see Figure 2) a cover (26) provided with at least one hole (38) for the passage of the optical fibre, the cover provided with an enclosure (50, 32) capable of supporting the slide so that it is free to slide, and elastic means (82) in engagement with the slide to keep it in the second position.

Regarding claim 9, Welber et al. disclose (see Figure 2) the slot comprises a semi-circular portion (69) having a radius greater than the radius of the optical fibre.

Regarding claim 10, Welber et al. disclose (see Figure 2) the semi-circular portion of the slot has a projecting arm (66, 68).

Regarding claim 12, Welber et al. disclose (see Figure 2) a notch (shown near numeral 60) which is inherently capable of imparting elasticity to the arm.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2878

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6, 7, 11, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welber et al.

Regarding claims 6, 7, 19, Welber et al. further disclose (see Figures) a spring (82) for biasing the slide towards the second position and a cover (26). Welber et al. do not disclose two optical fibres, two photo-elements, two holes or two slots. However, it would require only routine skill in the art and is a matter of design choice to provide a device for additional elements. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide for additional elements in the apparatus of Welber et al. in order to consolidate parts, reduce costs and increase functionality.

Regarding claims 11 and 20, Welber et al. disclose (see Figure 2) the slot comprises a semi-circular portion (69) having a radius greater than the radius of the optical fibre, the semi-circular portion of the slot has a projecting arm (66, 68), a notch (near numeral 60) which is inherently capable of imparting elasticity to the arm. Welber et al. further disclose (see Figures) a V-shaped slot. However, the specific shape of the slot is a matter of design choice. It would have been obvious to a person of ordinary

Art Unit: 2878

skill in the art at the time the invention was made to use a substantially C-shaped slot in the apparatus of Welber et al. to put less stress on the fibre and reduce wear on the fibre.

8. Claims 13-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welber et al. in view of Kato (U.S. Patent 5,555,333).

Regarding claims 13-17 and 21, Welber et al. further disclose (see Figures) the slide is provided with a pin (88) used for centering the spring. Welber et al. do not disclose the slide, cover and supporting element is made from a transparent material. Kato discloses (see Figures and column 15, lines 45-50) making the substrate (22) formed from transparent glass. Thus, Kato recognizes that by making material transparent, alignment of the elements would be easier. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the slide, the cover and the supporting element of Welber et al. in view of Kato in order to aid in aligning the elements and improve detection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seungsook Ham, can be reached on (703) 308-4090. The fax phone

Art Unit: 2878

number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl

May 17, 2001



Que T. Le  
Primary Examiner